

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD F. CHIARIELLO,	)	
	)	
Plaintiff(s),	)	No. C04-1076 CW (BZ)
	)	
v.	)	
	)	<b>ORDER RE PLAINTIFF'S</b>
I.N.G. GROUPE NV,	)	<b>MOTION TO COMPEL</b>
	)	
Defendant(s).	)	
	)	
_____	)	

Having reviewed the papers filed by both sides, I find that there is no need for oral argument. I also find that plaintiff's requests are generally over broad and often not relevant to the claims or defenses presented in this lawsuit. Plaintiff has not alleged a bad faith claim against defendant, if he can, and it is not permissible to take discovery in this lawsuit for the purpose of preparing for another lawsuit. See Fed. R. Civ. P. 26(b)(1) advisory committee's notes (2000 amend.). Ordinarily, I would deny plaintiff's motion since I do not rewrite a party's discovery requests. However, to expedite the completion of discovery in this matter, **IT IS HEREBY ORDERED** that plaintiff's Motion To Compel, as amended by his reply, is

1 **GRANTED** or **DENIED** as follows:

2 1. **GRANTED** as to requests number 5 and 9 to the  
3 extent they seek documents with respect to the development  
4 of the application form, the processing of plaintiff's  
5 application, the issuance of his policy, his claim for the  
6 loss of the boat, the decision to deny his claim, and  
7 defendant's affirmative defense and counterclaims.

8 2. **GRANTED** as to requests number 1b, c, & d, to the  
9 extent that the requests are limited to the claim plaintiff  
10 makes in this lawsuit.

11 3. **DENIED** as to requests number 1a, e, f & g as being  
12 over broad or being cumulative to 1b, c & d.

13 4. **GRANTED** as to 1h to the extent that it seeks the  
14 folders of files that are to be produced pursuant to this  
15 Order.

16 5. **DENIED** as to 1i, which seems cumulative of the  
17 other requests in that plaintiff is entitled to the  
18 documents either electronically or as hard copy but not  
19 both unless defendant keeps them both electronically and  
20 hard copy.

21 6. **GRANTED** as to 1j to the extent that it seeks  
22 images of the ATTU and documents which relate to the issue  
23 of whether plaintiff sailed without a crew.

24 7. **DENIED** as to request no. 10.

25 8. **GRANTED** as to request no. 11.

26 9. With respect to interrogatory no. 13, defendant  
27 has 10 days to provide further information if it wishes.  
28 If not, defendant will be precluded from producing further

1 information at trial with respect to these three  
2 affirmative defenses.

3 10. **DENIED** with respect to interrogatory no. 17.  
4 Whether the answer is incorrect is a legal conclusion.

5 All documents are to be produced within 20 days. To  
6 the extent that this Order encompasses documents as to  
7 which defendant asserts the attorney-client privilege, such  
8 documents need not be produced but a privilege log pursuant  
9 to Rule 26(b)(5) must be produced within 20 days.

10 Dated: May 11, 2005

11 /s/ Bernard Zimmerman

12 Bernard Zimmerman  
13 United States Magistrate Judge

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